

Chapter 22  
**Property Management**

- Section 22-1 Sanitation and Cleanliness of Dwellings and Premises
- Section 22-2 Unsanitary Conditions Constituting a Menace to Life and Health
- Section 22-3 Rules and Regulations Regarding Hygiene of Housing
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History: Sections 22-1, 22-2 and 22-3 were Article VI and Sections 22-4 and 22-5 were Sections 10-5 and 10-6 from Ordinance 1000.

**Section 22-1 Sanitation and Cleanliness of Dwellings and Premises**

a.) It shall be unlawful for any owner of a dwelling, establishment or structure, within the corporate limits of Delaware City or any part thereof, to fail to keep such dwelling, establishment or structure in a clean and sanitary condition and free from any accumulation of dirt, filth, rubbish, garbage or similar matter, free from vermin or rodent infestation and free from all disease-causing conditions or materials.

b.) It shall be unlawful for any owner of property within the corporate limits of Delaware City to fail to keep his property or premises in a clean and sanitary condition free from accumulations of rubbish, garbage, vermin and rodent infestation and all other disease-causing conditions or materials.

c.) Violations of Subsections a or b of this Section shall constitute a nuisance, and the Mayor and Council upon recommendation of the Board of Health shall send a written notice of violation to such owner. Thereafter, the owner shall have ten (10) days after the date of service of the notice of violation opinion of the Board of Health such nuisance constitutes an actual and immediate present danger to health, the owner shall abate such nuisance immediately.

d.) Failure of an owner to abate a nuisance, after receiving notice pursuant to this Section, within the time period, if any, specified therein, shall constitute a violation of this Section; and upon conviction, the owner shall be subject to the penalties provided in Section 22-4.

e.) The Board of Health and/or Mayor and Council are empowered to institute any action appropriate under State law in lieu of action under this Section. Any rights or remedies provided in this Section shall not operate in relation to any action taken under State law. (See 16 Del.C. §§311 and 312.)

**Section 22-2 Unsanitary Conditions Constituting a Menace to Life and Health.**

a.) Whenever any dwelling or any building, structure, excavation, business pursuit, matter, condition or thing in or about a dwelling or the lot on which it is situated, or the plumbing, sewerage, drainage, heating, light or ventilation thereof, is found by the Board to be dangerous or detrimental to life or health, the Mayor and Council upon recommendation of the Board may order that the matter, condition of thing be removed, abated, suspended, altered or otherwise improved as the order shall specify.

b.) If any such order of the Mayor and Council issued under the authority of the provisions of this Section is not complied with within ten (10) days after the service thereof, or within such shorter time as may be designated as being necessary and explained in writing under the circumstances, then such order may be executed by said Mayor and Council through their

officers, agents, employees or contractors, and the expense incurred incident to said order shall be paid by the owner of said property, and until so paid shall be a lien upon the realty and recoverable as other liens on realty in Delaware City, or they may order the premises vacated; provided, however, that when in the opinion of the Board such matter, condition of thing is in a state of nuisance which constitutes an actual and immediately present menace to life and health, the Mayor and Council shall proceed forthwith to cause such nuisance to be abated; but in no case shall a lien attach to the property unless a notice, as hereinbefore provided, has been issued.

c.) Before proceeding to execute such order, the Mayor and Council shall post a notice on the front of the building stating that since such order was not complied with within the time mentioned in said notice, the Mayor and Council will proceed to execute the same at the expiration of an additional five (5) days and charge the cost thereof to the owner of the premises. A copy of such notice shall be sent to the owner of the property or his agent if names and addresses, on diligent search, can be ascertained; and such notice shall be posted on said premises at least five (5) days before the Mayor and Council proceeds to incur expenses unless the condition is of such a character requiring immediate action, in which case the time of the notice shall be such as, in the judgment of the Board of Health, is reasonable and proper.

### **Section 22-3 Rules and Regulations Regarding Hygiene of Housing**

The Board of Health is hereby authorized and empowered to make and adopt such rules and regulations regarding hygiene and sanitation of housing for the enforcement of this Chapter for the better protection of the health of the City.

### **Section 22-4 Penalties**

Except in cases where it is otherwise provided by law or ordinance, any person violating any of the provisions of this Chapter or the Rules and Regulations of the Board, or who shall oppose or impede a Board Member in the execution of his duties hereunder, shall be deemed guilty of a misdemeanor; and upon conviction thereof after trial before a Magistrate shall be punished by a fine in the sum not exceeding one hundred dollars (\$100.00) or by imprisonment for a period not exceeding thirty (30) days or by both such fine and imprisonment.

### **Section 22-5 Separate Offenses**

Each day during which any act prohibited or any duty required, by any provision of this Chapter or the rules and regulations of the Board is committed or is willfully neglected or refused to be complied with, and each day during which a nuisance, as stated in this Chapter, or rules and

regulations of the Board is maintained, continued or suffered or permitted to be maintained, or continued to exist shall constitute a distinct and separate offense and be punishable as such.